**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE SIDE**

**CIVIL APPLICATION NO. 3996 OF 2004**
**IN**
**FIRST APPEAL NO. 637 OF 2003**

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Office Notes, Office Memoranda of of Coram, appearances, Court's orders and Registrar's orders : Court's or Judge's orders

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**CORAM: P.V. KAKADE, J.**

**DATED: 29TH NOV., 2004**

**P.C.:**

1. Heard learned counsel for the concerned parties.

2. This application is filed by the concerned party praying to allow to intervene in First Appeal No. 637 of 2003 and also has sought direction to the Court Receiver for production of certain record.

3. After hearing both parties and on perusal of the record, it is clear that the Chamber Summons No. 151 of 2002 in Short Cause Suit No. 5868 of 2002 was moved by this applicant for the same reliefs and the chamber summons was rejected with direction that the present applicant's Suit No. 420 of 1984 be heard alongwith other suit by one Court. The chamber summons was rejected on the ground that the applicant had filed another suit

bearing No. 420 of 1984 against the plaintiff No.1 and they claimed the adverse possession against the present applicant in the suit. Therefore, it was held, after having considered all the relevant aspects, it is clear that no relief is claimed against the present applicant in the said S.C. Suit No. 5868 of 2002 against them. The present appeal is filed and the determination of the issues and decision in the appeal between the appellant and the respondent No.9 would not relate to the claim of adverse possession of the present applicant. This reasoning also stands good mutatis-mutandis in the present proceeding and I do not see any reason as to why this application should be entertained.

In the result, the Civil Application No. 3996 of 2004 stands dismissed with no order as to costs.

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